REMARKS

Applicants wish to thank the Examiner for the careful consideration given this case. Claims 6 and 9 are pending in this case. Previously-withdrawn Claim 7 is hereby cancelled without prejudice to its pursuit in this or related cases. Applicants request that the Examiner consider the remarks presented herein. This response addresses those issues raised in the Office Action mailed on September 12, 2003. It is submitted that, as they currently stand, the claims are in condition for allowance. Communication to this effect is respectfully requested.

The Applicants further thank the Examiner for the telephonic interview that was granted in this case on December 4, 2003. During the interview, the Coplan et al. (U.S. Patent No. 4,017,030; the '030 patent) and Sakurada et al. (U.S. Patent No. 5,993,843; the '843 patent) references were discussed. The Examiner indicated that he appreciated the Applicants' position on Coplan et al. Specifically, it was discussed that Coplan et al. teaches a pheromone dispenser that delivers pheromone through evaporation, in contrast to the present invention, which calls for the preparation of an annular sustained release pheromone dispenser wherein the tubes have a diffusivity and a permeability to a liquid synthetic sex pheromone. However, the Examiner expressed his preliminary opinion that the present invention would be obvious in light of Sakurada et al. alone. Applicants respectfully disagree with the Examiner's position on this point, as presented in greater detail below.

The Examiner rejects Claims 6 and 9 under 35 U.S.C. § 103 as being obvious over Coplan et al. in view of Sakurada et al. While the Applicants anticipate the Examiner's eventual withdrawal of this rejection in light of the telephonic interview, it remains on the record and the Applicants will address it accordingly.

The product of the claimed method is able to release liquid pheromone through the diffusable and permeable wall of the dispenser into the air. The claimed invention is effective as a dispenser of pheromone even though the upper end is closed. The Examiner asserts that Coplan et al. discloses a method for preparing an annular sustained release pheromone dispenser which has both end portions closely sealed, citing to Figs. 3a and 3b.; Col. 8, lines 53-57.

Applicants again submit that Coplan et al. do not disclose a sustained release pheromone dispenser having closely sealed both end portions. Coplan et al. clearly shows one end of the tubes being open to the atmosphere to allow the pheromone to evaporate into the atmosphere. Namely, Figs. 1 and 4b clearly disclose a meniscus at the liquid/gas interface. Indeed, the abstract of Coplan et al. states "The filamentary conduit has **one open and one closed end.**" (emphasis added). Applicants strongly submit that the Coplan et al. reference does not teach two closely sealed ends. In fact, Coplan et al. achieve release of pheromone through the open end of the tube.

> Pheromone deposited in the core of hollow filaments of appropriate lengths and internal diameter is released by evaporation from one end of a small tube, the other end being sealed. Col. 8, lines 33-35.

It is respectfully submitted that the Coplan et al. reference in fact teaches away from the present invention. The present invention, as claimed, teaches the release of liquid pheromone through the diffusable and permeable wall into the air, in direct contrast to Coplan et al. As the Examiner is aware, a *prima facie* case of obviousness may be successfully rebutted by showing that the cited art,

in any material respect, teaches away from the claimed invention. *In re Geissler*, 116 F.3d 1465, 1471, 43 USPQ2d 1362, 1366 (Fed. Cir. 1997) MPEP 2144.05.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the present obviousness rejection.

To comment upon Sakurada et al., the tubes that are produced by the claimed method is originally plural and fused to connect to each other through a web (15, in the present application). Later, the center portion of the tubes is separated to form a ring, as seen in Figs. 5A and 5B and as is presently claimed. The rings formed from a plurality of tubes and is resistant to opening.

In contrast, Sakurada et al.'s capillary tube is originally formed as a single tube and is then heated and sealed at each end to form a cyclic tube (18; *see* Fig. 1). The cyclic tube fuses the ends of capillary tubes and is thus more likely to open inadvertently.

In this manner, the method of the present invention represents a clear improvement over the methods of Sakurada et al. This improvement is reflected in the improved dispenser produced by the claimed invention.

In view of the remarks presented herein, it is respectfully submitted that the present application is in condition for final allowance and notice to such effect is requested. If the Examiner believes that additional issues need to be resolved before this application can be passed to issue, the undersigned invites the Examiner to contact him at the telephone number provided below.

Respectfully submitted,

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By _____

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